

Idaho Department of Correction  	<b>Standard          Operating          Procedure</b>	Title: <b>Reporting and Investigation of Major          Incidents</b>		Page: 1 of 11
		Control Number: <b>105.02.01.001</b>	Version: <b>5.0</b>	Adopted: 08-21-1995

**Henry Atencio, director, approved this document on 01/10/2017.**

Open to the public:  Yes

**SCOPE**

This standard operating procedure (SOP) applies to all Idaho Department of Correction (IDOC) correctional facilities, including community reentry centers (CRC), privately managed facilities, and probation and parole districts.

<b>Revision History</b>
Revision date (01/10/2017) version 5.0: Added reporting requirement for life-safety or security issues involving contract staff, formatting, changed inmate to inmate or probationer/parolee where appropriate, and minor administrative editing.

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**BOARD OF CORRECTION IDAPA RULE NUMBER 105**

Victim Notifications

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## **POLICY CONTROL NUMBER 105**

Reporting of Major Incidents

### **PURPOSE**

The purpose of this standard operating procedure is to provide staff with instruction for reporting the following:

- General operational information
- Any incident or circumstance involving a contractor, staff member, facility, inmate, probation and parole district, program, visitor, or volunteer that could become a concern or is of interest to the director, deputy director, division chiefs, deputy chiefs, or the public
- Any incident that is a threat to the life, safety, or health of a staff member, inmate, or the public, or damage to department or private property
- Any significant threat to the secure and orderly operation of a correctional facility including community reentry centers (CRCs) or probation and parole district offices.

### **RESPONSIBILITY**

#### ***Division Chiefs***

Division chiefs are responsible for overseeing and monitoring the provisions provided herein.

#### ***Facility Heads and District Managers***

Facility heads and district managers are responsible for implementing and following the procedures provided herein.

### **Standard Procedures**

#### **1. General Reporting**

##### ***Prisons Division***

Facility heads or designees must submit the *Weekly Operations Report Form* to the deputy chief or designee of the prisons division by 12:00 p.m. (Mountain Time) every Thursday. In addition, facility heads must submit the *Monthly Management Briefing* form on the 10<sup>th</sup> day of the month. If the 10<sup>th</sup> day of the month falls on a weekend, the monthly report must be submitted by the close of business on the following Monday.

##### ***Probation and Parole Division***

District managers or designees must submit the *Weekly Operations Report Form* to the deputy chief (or designee) of the Probation and Parole Division by 12:00 p.m. (Mountain Time) every Thursday. In addition, district managers (or designees) must submit the *State-wide Community Reentry Center Statistics* form on the 10<sup>th</sup> day of the month.

If the 10<sup>th</sup> day of the month falls on a weekend, the monthly report must be submitted by the close of business on the following Monday.

The *Weekly Operations Report Form*, *Monthly Management Briefing* form, and *State-wide Community Reentry Center Statistics* form are created by each of the above divisions and therefore are not appendices to this SOP.

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## 2. Reporting Emergency Drills and Exercises

Emergency drills and exercises are reported using the instructions found in standard operating procedure 507.02.01.001, *Emergency Preparedness*.

## 3. Reporting Major Incidents

The following incidents require (1) a telephone call to the administrative duty officer and the applicable division chief (see section 1), and (2) a *105 Incident Notification Report*—often referred to as a ‘105 Report’:

For confidentiality requirements, see section 5.

Probation and parole officers (PPOs) are not required to report when a weapon is drawn, unless the weapon is pointed at a person.

- Accidents involving State of Idaho vehicles that cause personal injury or property damage greater than \$1000 or both
- Arrest or target of a criminal investigation by law enforcement of a staff member, visitor, volunteer, or contract provider (**Note:** For confidentiality requirements, see section 5.);
- Battery of a staff member by an inmate
- Discharge of a firearm other than for training purposes
- Disturbances, work stoppages, or other individual or group actions that threaten the orderly and secure operation of a facility
- Escape/walk-away or attempted escape/walk-away
- Fire, arson, or attempted arson at any correctional facility or probation and parole district office
- Incident involving an inmate or occurring on State of Idaho property that causes death or life-threatening injury of an inmate, staff member, or member of the general public
- Rape or sexual assault
- Restraints – long-term (normally a restraint chair)
- Theft, destruction, or loss of State of Idaho property that results in a loss greater than \$500

The following incidents require a *105 Incident Notification Report*—often referred to as a ‘105 Report’:

- Alternative meal service (beginning and ending)
- Assault or battery
- Accidental injury requiring medical attention (staff member, contractor, visitor, inmate, etc.)
- Bomb threat
- Chemical agent use or other use of force related equipment or technology

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- Hazardous materials incident or condition that requires contact with or reporting to a regulatory agency
- Any discrepancy in key accountability
- Physical plant or utility problem
- Search, seizure, or other discovery of major contraband, such as drugs, firearms or other weapons, or any other item deemed significant or unusual in a correctional facility or probation and parole district office
- Search of an inmate's visitor or the visitor's car
- Sexual activity between incarcerated inmates
- Sexual assault allegations (attempted rape or other non-consensual sexual activity)
- Severe utility outage or other facility problem (for example, a power outage lasting more than one hour or a utility failure in severe weather conditions)
- Suicide attempt
- Suicide watch placement and removal from suicide watch placement
- Lost or found tools at a medium or close custody facility or at a minimum custody or CRC adjacent to a medium or close custody facility
- Unscheduled medical transport
- Use of force (planned or reactive)
- Life-safety or security issue involving contract staff (*Contract Management: General*, SOP [147.06.06.001](#)).

#### 4. Completing a 105 Incident Notification Report

When an incident occurs, the staff member in charge, such as district manager, section supervisor, CRC manager, warden, deputy warden, primary staff members involved, or shift commander is responsible for completing a [105 Information Report](#) as soon as possible but no later than 10:00 a.m. (Mountain Time) the next working day using the following steps, **in the order provided**:

- From the Electronic Department of Correction (EDOC) homepage, locate and select the hyperlink identified '105 Report'. (Because there may be times when EDOC is down, it is advised that staff members pre-download a [105 Incident Notification Report](#), to use only as an alternative.)
- Click on the 105 Report icon and complete the form being careful to select the correct information in each applicable section.
- When you have completed the form, select 'submit'.
- Check your Outlook email client; you should have a copy of the *105 Report* in your inbox.
- You may forward a copy of the 105 Report to your facility management team.

Send only one 105 Report per incident. If there is a need for additional information, use [105 Incident Report Supplement](#).

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### **105 Report Content**

A *105 Report* is a notification and brief summary of an event. A *105 Report* does not replace *Information Reports*, which usually have more details. Clear, concise, and descriptive writing is the goal when creating a *105 Report*. A *105 Report* will give IDOC administrators a good understanding of the incident using basic report information: who, what, when, where, and how, but should avoid long narratives. Use first person and active voice and avoid using vague language.

#### **Examples**

<p><b>Don't write:</b> Inmate Jones was tearing up his cell.</p> <p><b>Do write:</b> Inmate Jones broke the sink off the wall.</p> <p><b>Don't write:</b> This officer was trying to place restraints on the subject when he attempted to hit this officer in the face.</p> <p><b>Do write:</b> I was trying to place restraints on inmate Jones when he tried to punch me in the face.</p> <p><b>Don't write:</b> A home visit was attempted when a dog attacked and was sprayed with OC.</p> <p><b>Do write:</b> I was conducting a home visit on probationer Jones. A pit bull ran from the side of the house and bit at my leg. I sprayed the dog with OC.</p> <p><b>Don't write:</b> This officer was going to conduct a home visit on a newly assigned parolee and was traveling eastbound on Main Street at approximately 15:00 hours when a blue Toyota passed going the opposite direction. This officer recognized parolee Jones driving the Toyota. Parolee Jones does not have a valid Idaho driver's license. This officer turned around and followed parolee Jones, but parolee Jones began to drive at a high rate of speed. This officer radioed local law enforcement.</p> <p><b>Do write:</b> I saw parolee Jones driving on Main Street. Jones does not have a driver's license. When I turned around, Jones sped away. I did not give chase, but radioed law enforcement. A city police officer spotted Jones a few minutes later. After a high-speed chase, police stopped and arrested Jones. Police reported no injuries or accidents.</p>
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### **Prison Rape Elimination Act (PREA) and Other Situations that will be Investigated**

When writing a *105 Report* on a situation that will be investigated as a criminal or Disciplinary Offense Report (DOR)-related offense, do not use subjective or language that draws a conclusion. Select the type of incident that best describes the situation at the time of the incident. The investigation may conclude that the situation was more or less serious than originally thought; however, the purpose of the *105 Report* is to alert administrative staff members of a serious event. The type of event and location or status of the inmates involved give IDOC administration an idea of the seriousness of the incident. Here are some examples:

- The type of incident selected was 'rape'.
- The narrative reads: Officer Clark observed inmate Jones #10001 and inmate Smith #10002 engaged in a sexual act. Inmate Smith #10002 was taken to medical and then transported to the hospital. Inmate Jones #10001 is in SPI. Shift commander Harris notified Ada County Sheriff. Ada County is investigating the incident.

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Based on this information, IDOC administrative personnel immediately know this is a serious situation. However, the information is limited to the facts without subject language. Here is another example.

- The type of incident selected was ‘sexual activity’.
- The narrative reads: Officer Clark observed inmate Jones #10001 and inmate Smith #10002 engaged in a sexual act. Inmates Smith #10002 and Jones #10001 are in SPI.

Based on the information in this report, administrative personnel will know the situation is not as critical as the previous one.

**Don’t write:** Inmate Smith and inmate Jones were observed having consensual sex. (The word ‘consensual’ draws a conclusion.)

**Don’t write:** Inmate Smith and inmate Jones were observed in mutual combat. (The word ‘mutual’ draws a conclusion.)

**Don’t write:** Inmate Smith and inmate Jones were observed having consensual sex. Inmate Jones is a known homosexual. (The word ‘consensual’ draws a conclusion and the second sentence is an opinion that colors the investigation.)

## 5. Confidentiality

When reporting incidents, staff members must not include confidential information.

### *Inmates*

Specific information regarding an inmate’s medical history, diagnosis, and treatment are confidential. When reporting incidents involving medical issues, such as an unscheduled medical transport, staff members must limit the information to that which is observable. Do not include diagnostic information received from medical or hospital staff, or information regarding the inmate’s prior medical history.

**Example:** “Inmate Smith complained to the unit officer of chest pain. Medical staff checked inmate Smith and requested an ambulance. An ambulance transported the inmate to the emergency room, and Officer Jones accompanied him. Smith was admitted to the hospital.”

### *Staff Members*

Do not include the names of staff members when there are allegations of staff member misconduct or other situations that could involve a personnel action or investigation. Provide general information, without the names of the staff member(s). Include information regarding how the incident is being handled, who has been notified, etc.

**Examples:** “A correctional officer was arrested for DUI while off duty. I telephoned the facility head.” **Or,** “An inmate alleges having a sexual relationship with a correctional officer. I telephoned the facility head and administrative duty officer.”

### *Public and Staff Member Medical Information*

If an incident involves the medical conditions of a member of the public or a staff member, do not include the person’s name. These incidents can be reported without citing details that might violate federal confidentiality laws.

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**Examples:** “During visiting, a visitor collapsed and appeared to have a seizure. Medical staff responded and then requested an ambulance. Before the ambulance arrived the visitor had regained consciousness. The ambulance transported the visitor to the hospital.” **Or**, “A family member called to say that inmate Jones’ mother was near death at a local hospital. Security staff called the hospital and confirmed the patient was in critical condition. The facility head approved transport for inmate Jones to visit. Inmate Jones was returned to the facility without incident.”

## 6. Escape or Walk-away Reporting Procedures

If an inmate escapes or walks away from the custody of the IDOC, clear and consistent communication with law enforcement, IDOC administration, media, and law enforcement are critical to public safety and to the capture of the escapee or walk-away. In addition to incident procedures outlined in this SOP, staff members such as shift commanders, facility duty officers, administrative duty officers, investigators, facility heads, CRC managers (or sergeants), and chiefs of the prisons and probation and parole divisions (as applicable) shall follow the processes described in SOP 507.02.01.002, *Escape/Walk-away Response*.

The facility head selects a staff member at the facility who is responsible for emailing daily briefings to the director and deputy director of the IDOC and the chief of the prisons or probation and parole division (as applicable) until the inmate is caught or IDOC administrators determine that daily briefings are no longer beneficial.

The IDOC public information officer (PIO) is responsible for coordinating, in conjunction with the director and the chief of the prisons or probation and parole division (as applicable), the release of information to the media.

## 7. Information Reports

All staff members involved in or witnessing an incident must immediately report the incident to a supervisor such as a shift commander, CRC manager, district manager, etc. In addition the staff member must complete [Information Report](#), before the end of the workday.

Supervisors can require *Information Reports* for any issue that may arise. Information reports must be clear, concise, accurate, and complete.

In probation and parole districts, incidents or issues are documentation in the Corrections Integrated System (CIS) under ‘case update.’

## 8. Internal Incident Review and Serious Incident Review (SIR)

The following events must have a formal review or be investigated: escape/walkaway, serious crime, riot, hostage situation, discharge of a firearm (other than training), and serious injury or death of an inmate, staff member, or member of the public.

**Note:** An inmate walk-away from a CRC may be reviewed or investigated at the discretion of the CRC manager **or** chief of the probation and parole division.

In addition, the director or deputy director of the IDOC **or** the chief of the prisons or probation and parole division (as applicable) may require investigations of other incidents.

If an incident requires investigation, the director of the IDOC will appoint an investigator. Investigations of staff members will be completed in accordance with SOP 150.01.01.006, *Administrative Investigations*. Any corrective or disciplinary action that is warranted must be in accordance with SOP 205.07.01.001, *Corrective and Disciplinary Action*.

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When incidents occur, it is important to review the facts of the incident to determine if current policies and SOPs were followed and to improve practices and procedures for the future. The IDOC uses two practices: internal incident review and SIR.

### ***Internal Incident Review***

An internal incident review is less formal than a SIR, and staff members from within the affected unit normally conduct the investigation. The warden or district manager at the affected site can authorize an internal review panel. In addition, the director of the IDOC or the chief of the prisons or probation and parole division (as applicable) can also request an internal review.

An internal incident review is conducted by either a three-member panel or individual. The timelines and reporting information outlined in this SOP for a SIR panel serve as guidelines for an internal review. The internal incident review will be written using an [Internal Incident Review Report](#).

### ***SIR Authorization***

The director, deputy director, division chiefs, facility head, or district manager can request a SIR for any serious incident, including staff misconduct. Facility heads and managers can only request a SIR for incidents occurring in their facility, office, work site, or district. The director or deputy director act as the convening authority and upon acceptance of an SIR request, assign an SIR chairperson to the incident and determine if a review panel will be used in compliment to the chairperson

An SIR report, whether prepared by the chairperson or a panel, must be given to the director for approval.

### ***SIR Panel Goals***

The goals of the SIR panel include the following:

- To convene within 14 working days of the assignment, unless there is an ongoing criminal or internal incident review, in which case the SIR will not convene until the investigation has been completed
- To determine if the action taken during the event was consistent with IDOC policies and SOPs.
- To determine if IDOC policies, SOPs, training, equipment, staffing, etc. were satisfactory, or need reviewed
- To determine if the event was handled properly or if better alternatives could have been used
- To determine if anything can be done to avoid future incidents
- To make general recommendations for disciplinary action or recognition of outstanding performance
- To identify any other significant aspects of the event

### ***SIR Panel Process***

A [Serious Incident Review Report](#) should be completed within 10 working days of assignment, extension can be granted by the convening authority.

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Convening Authority</b>	<b>1</b>	Appoint a chairperson to the incident and determine if an SIR panel is required in addition to the chairperson.
<b>SIR Chairperson</b>	<b>2</b>	If a review panel is required, select at least three people, not involved or working at the facility, work site, or district, to serve on the review panel. An individual from outside the IDOC may serve on the SIR panel either for technical expertise or for increased independence
	<b>3</b>	Convene the SIR panel if necessary.
<b>SIR Chairperson/Panel</b>	<b>4</b>	Review relevant documents and reports.
		If the chairperson deems it necessary to request a review panel be added to the process, proceed to step 1 and do so.
	<b>5</b>	Interview the people who have information relevant to the event.
<b>SIR Chairperson</b>	<b>6</b>	Analyze the information, determine findings, and submit written recommendations to the SIR chairperson.
	<b>7</b>	Write a report using <i>Serious Incident Review Report</i> .
<b>SIR Chairperson</b>	<b>8</b>	Forward the completed <i>Serious Incident Review Report</i> to the panel members and set a due date for their response.
	<b>SIR Panel Members (if required)</b>	<b>9</b>
<b>10</b>		Send the report, addendums, and personal notes to the SIR chairperson.
<b>SIR Chairperson</b>	<b>11</b>	Forward the <i>Serious Incident Review Report</i> , including any documents, electronic items, addendums, etc. to the chief of the prisons <b>or</b> probation and parole division (as applicable).
<b>Division Chief</b>	<b>12</b>	Read the <i>Serious Incident Review Report</i> and do one of the following: <ul style="list-style-type: none"> <li>• Write comments and recommendations and forward to the director of the IDOC. (The process skips to step 16.)</li> <li>• Ask the facility head, district manager, or other authority for written comments regarding the situation.</li> </ul>
<b>Facility Head, District Manager (or Designees)</b>	<b>13</b>	Complete a written response and return it to the chief within five working days.
<b>Director/Deputy Director</b>	<b>14</b>	Read the <i>Serious Incident Review Report</i> , decide upon a course of action, document the decision in writing and attach the decision to the report.

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Functional Roles and Responsibilities	Step	Tasks
	15	<ul style="list-style-type: none"> <li>Unless there are items deemed confidential because of an investigation or personnel issue, send a copy of the report and written decision back to the facility head or district manager.</li> <li>Return the report that has original signatures to the chief of the prisons or probation and parole division (as applicable).</li> </ul>
Chief	16	Forward a copy of the <i>Serious Incident Review Report</i> to the deputy attorneys general (DAGs) who represent the IDOC.
	17	Ensure that the report is filed in a secured location. Retain in accordance with the IDOC record-retention schedule.

The final *Serious Incident Review Report* will be considered the official document of the IDOC. All of the panel's personal notes will be filed with the report that has original signatures. Such reports and personal notes must be kept securely maintained until litigation is completed or in accordance with the IDOC's record retention schedule.

If new information is received after the SIR panel has completed its report, a new SIR panel may be opened, or the original SIR panel may be recalled at the discretion of the chief of the prisons or probation and parole division (as applicable) or the director of the IDOC.

#### ***Prisons Division***

For those incidents involving the use of force at prison and community reentry centers, complete and submit the appropriate documentation (see SOP 307.02.01.001, *Use of Force: Prisons and Community Reentry Centers*) to the chief of the prisons division.

#### ***Probation and Parole Division***

For those incidents involving the use of force in probation and parole districts, complete and submit the appropriate documentation (see SOP 307.04.02.001, *Use of Force: Probation and Parole*) to the chief of the probation and parole division.

## **DEFINITIONS**

***Internal Incident Review:*** A review that is normally conducted by staff from within the affected unit and is usually less formal than a serious incident review (SIR).

***Serious Incident Review (SIR):*** A formal review conducted by a three-member panel whose members are not associated with the facility or office where the incident took place.

## **REFERENCES**

[105 Incident Notification Report](#)

[Incident Report Supplement](#)

[Information Report](#)

[Internal Incident Review Report](#)

[Serious Incident Review Report](#)

Standard Operating Procedure [507.02.01.001](#), *Emergency Preparedness*

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Standard Operating Procedure [205.07.01.001](#), *Corrective and Disciplinary Action*

Standard Operating Procedure [150.01.01.006](#), *Administrative Investigations*

Standard Operating Procedure [307.02.01.001](#), *Use of Force: Prisons and Community Reentry Centers*

Standard Operating Procedure [307.04.02.001](#), *Use of Force: Probation and Parole*

Standard Operating Procedure [507.02.01.002](#), *Escape/Walk-away Response*

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